

Remarks/Arguments

Claim 19 has been rejected under 35 U.S.C. § 112 as lacking support in the specification. Accordingly, the specification has been amended to include the mutable leuco dyes described by this claim.

Claims 2-4, 7-11, and 14-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over US 2002/11053 (Grey) in view of US 5,606,983 (Monty et al) and further in view of US 4,431,560 (Kito et al).

Grey discloses a hair covering having one or more "sorbed" hair conditioners, which may, but need not, be heat activated conditioners. At paragraph 0011 Grey, in discussing the heat activated conditioner, notes that: "The heat which activates these materials can be the body's natural warmth or an applied heat from, for example, a blow dryer. The heat, combined with the friction of the hair on the treated fabric causes the conditioner(s) to deposit in or on the hair and provide a conditioning effect." There is, however, nothing in Grey that discloses or suggests impregnating or coating the hair covering with a temperature sensitive mutable dye that, upon the application of heat, changes color so as to indicate when the hair has been adequately heat treated.

Monty et al. discloses electrically heated curlers whose mandrel portion is coated with two different thermochromatic elastomers that are used to signal changes in the surface temperature of the curlers. The first elastomer signals when the curlers are hot, the second when the curlers are cool. There is nothing in Monty et al. that discloses or suggests the use of thermochromatic materials on hair treatment caps. Moreover, Monty et al. is concerned with the effect of temperature on hair curl retentiveness and, more particularly, to providing a visual indicator as to when electrically heated curlers, the articles bearing the thermochromatic elastomers, are ready to be used or removed. There is nothing in Monty et al. that discloses or suggests the use of a thermochromatic dye in connection with the activation of thermally activated hair conditioners or any other thermally activated hair treatment agents. In short, Grey and Monty et al. disclose very

different articles (treatment caps and electric curlers) that have very different functions (curling and conditioning). It is respectfully submitted that the combination of such non-analogous citations is mere hindsight suggested only by the subject invention.

Kito et al. discloses the use of electron-donating chromatic compounds such as leuco dyes in combination with compounds having "markedly large electron-acceptability". Applications disclosed for the materials therein described are: thermochromatic printing inks, thermochromatic writing instruments, thermochromatic paints, thermochromatic sheet, and thermochromatic wrapping material. Kito et al. does nothing to cure the deficiencies of Grey and Monty et al.

In view of the foregoing, reconsideration and allowance of the subject claims are respectfully requested.

If a telephone conversation would be of assistance in advancing prosecution of this application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided.

Respectfully submitted,



Karen E. Klumas
Registration No. 31,070
Attorney for Applicants

KEK:sc
201-894-2332

Amendments to the Drawing

Attached is a Formal Drawing of Figure 1. The Formal Drawing replaces the original drawing and includes the legend "Figure 1" .